

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15229-2025
Reserved on: 07.07.2025
Pronounced on: 31.07.2025

Ajay Godara ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kunal Dawar, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Vipul Sharma, Advocate, for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
566	18.10.2024	Saran, Faridabad, Haryana	191(2), 191(3), 190, 115, 324(4), 351(2) of BNS (Sections 109 and 333 of BNS added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That the facts which led to file the present case are that the case was registered on the complaint of Lokesh Bansal S/o Daudayal R/o H.No-448/1, Parvatiya Colony, Gali No. 1, Faridabad. The contents of the complaint are being reproduced below for the kind perusal of this Hon'ble court:-To, The SHO, police station Saran, Sir, I live on the above said address and runs a Medical store by the name of Dosmed Pharma along with my partner Akshay Goyal, in partnership. That on 16.10.2024 at about 5 PM, a scooty rider hit his scooty to our bike intentionally and fled from the spot. That on dated 17.10.2024 due to this grudge, Amit patwari along with his two friends, came in their car bearing no. HR-51-CC-2472, at our medical store. That I along with my partner Akshay Goyal and one boy named Amit were present there. That Amit patwari and his two friends came out of the car and started manhandling with me and Akshay Goyal and also said that if you mess with us we will kill you and all of them were under the influence of alcohol and ran away from there when people gathered there. A complaint was lodged regard to this incident on 17.10.2024 at Police station. That within 10 minutes of reporting the incident, 19-20 boys armed with baseball bats, iron rods and sticks came there with intention and attacked me, my partner Akshay and one customer Gaurav with intention to kill. We all three suffered head injuries and injuries on other parts of body. We know Amit Patwari and Rahul Godara

from these boys. They all were drunk. It is requested that FIR be registered against them. They all have threatened us to kill.”

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, if any. He further submits that in case petitioner is involved in any offence where the sentence prescribed is more than 07 years or in NDPS cases, the offence involving the commercial or intermediate quantity or the offence which falls under Sections 19/24/27-A of NDPS Act, he shall have no objection if the State files an application for cancellation of bail in the present FIR and in those cases, where he is on bail. He contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State’s counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which reads as follows:

“20. It is submitted that there are serious and specific allegations against the Petitioner that he was present at the place of occurrence and gave beatings to the injured with baseball stick got recovered from him. It is also submitted that Petitioner was also seen in CCTV footage. It is submitted that if petitioner/accused is released on bail, then he may intimidate the witnesses or hamper the trial. It is also submitted that there is every apprehension that the petitioner/accused will tamper the evidence, if he is released on bail. It is also submitted that petitioner/accused may abscond in order to evade trial. Therefore, keeping in view serious and heinous offence committed by the accused and apprehension of his absconding from trial must be there.”

7. Counsel for the complainant submits that the complainant could not remember whether the petitioner was one of the accused or not.

REASONING:

8. Since the complainant did not indict the petitioner as one of the assailant, the petitioner is entitled to bail on this ground. There is sufficient prima facie evidence connecting the petitioner with the alleged crime.

9. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

10. As per paragraph 1 of the bail petition, the petitioner has been in custody since 22.10.2024. As per the same the petitioner’s total custody in this FIR is around ten months.

11. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case,

there would be no justifiability for further pre-trial incarceration at this stage.

12. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

13. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

14. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

15. This order is subject to the petitioner's complying with the following terms.

16. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

17. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (Crl.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

18. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, and their family members, as well as the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction].

Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

19. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

20. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

21. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

22. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

23. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

24. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

31.07.2025

Jyoti-II

Whether speaking/reasoned:

Whether reportable:

(ANOOP CHITKARA)
JUDGE

Yes

No.